

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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MACK BUTLER, DASHAUN SIMS, CLYDE LOFTON,
PAUL ALVER, KEVIN KING, and RICKEY LYNCH,
on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

11-cv-02602 (JS) (GRB)

SUFFOLK COUNTY, VINCENT F. DEMARCO, in his
individual and official capacity, JOSEPH T. CARACAPPA,
in his individual and official capacity, and JOHN P.
MEYERRICKS, in his individual and official capacity,

Defendants.

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DECLARATION OF KEVIN KING

KEVIN KING, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows:

1. I was detained in the Riverhead Correctional Facility ("Riverhead") of the Suffolk County Correctional Facilities, at 100 Center Drive, Riverhead, New York 1190 from December 2010 until my release in April 2012, primarily in 4 East North. The statements in this declaration are based on my personal knowledge and describe my attempts to grieve the conditions in the housing units where I was incarcerated.

2. The conditions at Riverhead were deplorable: the toilets and the showers overflowed, the facilities were covered with mold and rust, it was very cold, water leaked from the roof, the drinking water was unsafe, and the food was unsanitary. Exposure to the conditions at Riverhead has caused me to suffer stomach pain, respiratory problems, headaches, rashes, and fungal infections.

3. Inmates often complained of the conditions at Riverhead, but the jail officials ignored us or limit our access to avenues of relief.

4. On many occasions, when I have requested a grievance form from an Officer, he refused to give me a form. To the best of my knowledge, other inmates were routinely denied opportunities to grieve the conditions described in the complaint.

5. Even when I (and other inmates) were able to get grievance forms, they were often completely ignored and we would not even get a response to our grievances. For example, on June 7, 2011, I filed a grievance complaining of the unsanitary conditions in my cell, which were causing me to develop rashes, the rust in the shower area, and the rusty drinking water, which was causing me stomach pains. No action was taken in response to this grievance and this was the last I heard about this grievance.

6. Similarly, on August 1, 2011, I filed a grievance to complain about the unsanitary conditions in my cell and the showers which were causing me to suffer rashes on my chest, arms, back, and legs, as well as the tainted drinking water, which was causing me stomach pain. No action was taken in response to this grievance.

7. In the rare instances where I did get a response to my grievance, I was told that the prison officials were aware of the problem I raised so I did not need to grieve about it. In other words, the Officers represented that the grievance was "resolved" and that the condition was being handled.

8. For example, I filed a number of grievances concerning the condition of the shower and toilets. In one of the responses concerning the showers, prison officials acknowledged that they were known to be in a deteriorated state. In another response, prison

officials acknowledged that the "backflushing" of the toilets was known to be a problem. These grievances were marked "resolved."

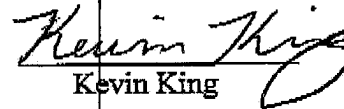
9. The grievance process was not merely ineffective and unreliable. Officers regularly retaliated against inmates who attempted to file grievance forms. After I filed the grievances identified above, Officers at the facility began singling me out for random strip searches. At other times, they undertook "shakedowns" of my living quarters.

10. I have also witnessed retaliations against others who attempted to grieve conditions in Riverhead, including: verbal abuse, refusal of grievance forms, limiting access to the law library, cutting off or limiting recreational time, and turning up the air conditioning in winter to punish the inmates.

11. Despite the "acceptance" and "resolution" of my grievances, and, to my knowledge, many of my fellow inmates' similar grievances, the conditions in Riverhead did not improve and continued through the date of my release from custody in April 2012.

I declare under penalty of perjury that the foregoing is true and correct. Executed this

13 day of November 2012.


Kevin King